

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHERLITA Q. STEINBERGER,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. C07-5404RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Second Motion for Appointment of Counsel [Dkt. #8].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The Court previously denied plaintiff's motion for counsel on September 24, 2007 [Dkt. #4]. Plaintiff's second motion includes a medical report in further support of her request for counsel. Counsel may only be appointed under 28 U.S.C. §1915 in "exceptional circumstances." *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). "A finding of exceptional circumstances requires an evaluation of both 'the likelihood of success on the merits [and] the ability of the petitioner to articulate [her] claims pro se in light of the complexity of the legal issues involved.'" *Wilborn*, 789 F.2d, at 1331, quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

Plaintiff has failed to demonstrate that her claims have merit and that she is unable to articulate her claims pro se. It is therefore

ORDERED that Plaintiff's Second Motion for Appointment of Counsel [Dkt. #8] is **DENIED**.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 9th day of November, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE